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SOUTH TEXAS DETENTION PLAN GOES FORWARD

The Immigration and Naturalization Service (INS) has begun to implement a plan "to stem the flow of frivolous asylum claims filed by aliens seeking to stay in the United States," according to a February 20 announcement by INS Commissioner Alan C. Nelson.

Nelson said, "The firm, fair, and consistent application of our laws will meet the latest challenge of asylum abuse as a technique for fraudulent manipulation by those who would twist our generosity into personal gain."

The essence of the plan is to make quick determinations of affirmative asylum claims--on the same day as they are filed; to detain asylum seekers in the south Texas area--by preparing for a 5,000-person capacity tent holding area, and expanding other detention capabilities; and to begin prompt deportation proceedings for those denied asylum or for those apprehended before having had an opportunity to apply voluntarily.

The plan met with widespread and immediate criticism from private agencies concerned with refugee protection, as well as church and human rights groups. On February 21, the annual assembly of the Texas Council of Churches, representing Catholic, Protestant, and Orthodox Christian denominations issued a statement saying that it was "appalled" at the INS announcement. "Enforced incarceration of people looking for freedom from oppression, and food for their families, does not solve anything," said the statement. "We reject as inhuman and unjust the deportation of people back to war-torn countries where their unwanted presence will bring further unemployment, frustration, and perhaps even persecution for having left their countries in the first place."

The Catholic Bishops of Texas also issued a statement on February 21 saying, "We are about to witness the creation of the largest concentration camp on U.S. soil since the incarceration of Japanese Americans during World War II--a shameful page in our history." The Catholic Bishops said that the INS policy "exacerbates a volatile situation in the lower Rio Grande Valley" and ignores the conditions in Central America causing the mass influx of refugees to the United States.

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"The INS statement speaks of 'frivolous' applications," said the Catholic Bishops. "Apparently any applications by people who have suffered dreadfully from civil war are frivolous."

The Brownsville Ad Hoc Refugee Committee issued a statement coinciding with the announcement of the INS policy saying, "We are gravely concerned that thousands of persons will be detained with no access to counsel. This is a gross violation of due process of law. There are already too few attorneys who represent the interests of refugees in the Lower Rio Grande Valley; there is one in El Paso, and none in Laredo or Oakdale, Louisiana, places where it is rumored refugees will be shipped out."

Even the Wall Street Journal chimed in with an editorial saying, "Mr. Nelson said Monday that Nicaraguans were exaggerating their fears, but that depends on whether you regard economic collapse and political oppression as fearful."

Judge Lifts Restraining Order, Detention Policy in Place The plan came into effect with the lifting of a temporary restraining order by federal court Judge Filemon Vela, which had suspended an attempt by the INS in December to prevent asylum seekers from leaving the south Texas area after filing for asylum (see Refugee Reports, Vol. IX, No. 12 and Vol. X, No. 1).

With the green light from the federal judge, 500 additional INS personnel were being sent to south Texas, including 269 Border Patrol personnel, 74 INS adjudicators and support staff, and 141 INS, Department of State, and Executive Office of Immigration Review staff.

Within a day of the new policy going into effect, however, a sharp drop in asylum applicants became evident. On February 21, 233 asylum applications were filed at the Harlingen INS office. The following day, the number had dropped to 30; the next day, to 12. The previous week, when applicants filing in Harlingen were permitted to travel onward and pursue their asylum claims in Miami, Los Angeles, and elsewhere, about 800 per day were applying.

Of the 233 asylum applications considered on February 21, all but two--both Nicaraguans--were denied.

This appears not to be a single-day anomaly, but rather part of a trend towards far higher rates of asylum denial. Of the first batch of 1,613 cases forwarded to the State Department for advisory opinions, only 26 came back positive. Assuming all 26 would be granted asylum--which is not necessarily the case--the approval rate would be less than 2 percent.

Drop in Affirmative Asylum Filings Predicted, Apprehensions to Rise Nelson said that he had directed the Border Patrol to increase its enforcement activities in the Lower Rio Grande Valley. He said that the added resources devoted to enforcement "are expected to produce a significant increase in arrests and orders to show cause."

Nongovernmental observers agree with Nelson's prediction about an increase in apprehensions, and point out that a corollary to that will be a likely decrease in the number of Central Americans voluntarily coming forward to apply for asylum. "Affirmative applications will go down considerably if 95 percent will be denied and if the INS increases enforcement," said Ninfa Kreuger of the Border Association for Refugees from Central America (BARCA). Krueger said that most people won't have a chance to file voluntarily because they will be apprehended first. She said that the INS has recently instituted 24-hour-a-day helicopter surveillance of the border.

Robert Koulish of Proyecto Libertad said that the Border Patrol is stopping and arresting people on their way to the INS office. He said that the Border Patrol was circling the shelter in Brownsville and picking up those leaving.

Beefing up the Border Patrol presence is likely to reverse a recent trend in which affirmative asylum applications had outpaced apprehensions. In the first quarter of FY 89 (October through December 1988), the INS apprehended 10,294 Salvadorans, Guatemalans, and Nicaraguans; during that same period, those three nationalities submitted 23,690 affirmative asylum claims.

Nelson said that 16 Special Agents would be detailed to combat organized smuggling of aliens. "Alien smugglers and fraud facilitators, who thrive on the misfortune of illegal aliens, will be a major target of law enforcement components of INS," he said.

Detention, Deportation, Deterrence "Detention is the most efficient means of

Christopher Bing

ensuring the alien's appearance at the deportation hearing," said Nelson. "Deportation is the ultimate deterrent to illegal immigration," he added. Nelson said that single males would be detained at the Port Isabel Service Processing Center--known popularly as El Corralon, "the corral"--which would increase its capacity to 1,100 beds. Another 200 spaces were being made available at the Webb County Detention Facility, and 200 more detainees were being moved to the El Paso Service Processing Center. Nelson said that up to 5,000 additional spaces could be provided if necessary at Port Isabel by constructing tents.

Nelson said that discussions are under way with the Red Cross to provide housing for unaccompanied minors and family units. The Brownsville Ad Hoc Refugee Committee charged that this would put the Red Cross into the position of being a "jailer of children."

Kreuger said that the Red Cross does not meet the federal guidelines set up for the detention of alien children (see Refugee Reports, Vol. VIII, No. 11).

Armond Mascelli, manager of disaster operations for the American Red Cross, told Refugee Reports, "As an independent agency, we will operate within the parameters of our guidelines and principles. If the INS inhibited our work or our neutrality, we would have to disengage."

On the other hand, Mascelli said, he would not want to cut off refugees suddenly and leave them without food and shelter. He said that the Red Cross initially became involved when the policy went into effect in mid-December when the government was not detaining people but leaving them to fend for themselves in the fields and streets. In conjunction with the local Red Cross chapter and church groups, they set up a shelter in Brownsville, which housed 200 to 700 people daily. Now that the INS has changed its policy, the Red Cross is discussing options with the Community Relations Service of the Justice Department, a separate agency from the INS.

"We have a sense of responsibility for these people," said Mascelli. "We want to give them the best service possible and treat them in a fair way." That means, he said, giving them free access to and from

the facilities. He said that he had no problem with INS calling for a daily census, "since we need that, too." But, he said, "there can be no prohibition to their walking away from the facility."

"At this point," Mascelli said, "we don't see this as a specific Red Cross responsibility. It is theoretically up to local, state, and federal government to handle. We cannot continue to do this indefinitely."

Kreuger's organization, BARCA, has focused on finding foster care for unaccompanied minors. She expressed concern that under the expedited procedures, children with undocumented parents present in other parts of the United States could be deported.

Kreuger said that she is trying to locate family and friends of unaccompanied minors in other parts of the country. She is hoping that they will be able to locate lawyers who are willing to file the INS Form G-28, the notice of intent to represent, that would enable the children to obtain a change of venue to have their asylum cases heard outside the Valley.

Access to Legal Representation In fact, having lawyers in other parts of the country willing to file the G-28 forms may help to relieve the tremendous burden on the few immigration lawyers operating in south Texas, by allowing aliens applying for asylum in the course of deportation proceedings to obtain a change of venue.

"Right now, we are trying to convince private attorneys to submit G-28s," said Haydee Sanchez of El Rescate in Los Angeles, "but pro bono attorneys want strong cases, and most of the political asylum applications coming out of Brownsville are almost empty."

Sanchez said, "I spoke to a client from Texas with a very strong claim and asked, 'Why didn't you tell this to the person filling out your application?' She said that she was in a room with 50 other people and never was very clear about what should be included on the form."

"We need to request permission to submit new applications," said Sanchez, "but the INS then questions our clients' credibility, asking, 'Which is the truth?'"

Kreuger said that much harm is caused by some church volunteers who know nothing about asylum, and even cab drivers, assisting Central Americans in filling out their asylum forms.

Nick Rizza, the national refugee coordinator for Amnesty International USA, said that organizations seeking to provide legal assistance are not allowed access to the detention areas to find clients in need of representation, unless those clients have first requested their presence. "We have received early reports from Harlingen that attorneys willing to offer their services pro-bono have been told that a G-28 must be filed before they may approach asylum seekers in the waiting area in the Harlingen office." Rizza said, "Amnesty International takes the view that organizations representing asylum seekers in the Rio Grande Valley be given access to such waiting areas, as well as places of detention, so that cases of critical concern can be identified and assistance provided."

He said, "Our organization strongly urges that asylum seekers be guaranteed access to legal counsel, be made fully aware of the process under which their cases are being reviewed, and that all nationalities be judged by the same standard."

Senators Bentsen, Graham, and Gramm Introduce Bill to Assist Central Americans On February 7, before the temporary restraining order was lifted, Senator Lloyd Bentsen (D-Tex.) introduced a bill, S. 372, that would define Central Americans as "entrants"--similar to the designation for Cubans and Haitians who entered in 1980. This would enable the Community Relations Service, which is currently authorized to respond only to Cuban and Haitian entrants and unaccompanied minor aliens, to assist Central Americans, as well.

Bentsen said that by its initial policy switch confining Central American asylum applicants to Lower Rio Grande Valley, "the INS had turned the entire Brownsville/Harlingen area into a massive detention camp." He said, "The policy adopted by the INS--which essentially dumps this problem into the lap of the people of south Texas--is simply intolerable."

Bentsen was joined by Sens. Bob Graham (D-Fla.), Phil Gramm (R-Tex.), and Albert Gore, Jr. (D-Tenn.) in introducing the bill. Graham of Florida said, "Clearly, any costs

to local communities resulting from refugee arrivals stimulated by foreign policy decisions or a failure to control U.S. borders should be borne by the federal government."

Gore of Tennessee said, "This is of concern not only in Florida and Texas, but any Americans who can recognize the unfair impact which is being felt in these two states should understand why this legislation is wise."

Rep. Solomon P. Ortiz (D-Tex.) has introduced H.R. 869, a companion bill in the House.

Recent Developments

HOUSE HOLDS HEARING ON INDOCHINESE REFUGEES AT RISK

Continued pushbacks of Vietnamese boat people, and the forced relocation of refugees under Khmer Rouge control, were just two of the frightening new dangers for refugees in Southeast Asia in 1988, according to public and private witnesses testifying at a hearing on February 8 before the House Subcommittee on Asian and Pacific Affairs.

Responding to a dramatic increase of Vietnamese boat arrivals in late 1987, Thai authorities began to interdict and push boats back to sea in late January 1988. Although Thailand moderated its position in April, and its current official policy "is to provide asylum to those who actually land," said U.S. Coordinator for Refugee Affairs Jonathan Moore, "Thailand has consistently pushed off or redirected boats away from its shores over the past year." Moore cited a January 20 incident, when 33 Vietnamese reportedly were pushed off from Thailand's southern coast after a three-day stay.

In 1988, nearly 3,200 Vietnamese were pushed off from Thailand, according to figures from the UN High Commissioner for Refugees (UNHCR). Estimates, based on survivor accounts and reports from refugee officials in Thailand, of the deaths that resulted run in the hundreds.

Allegations made by several Vietnamese survivors suggest that Thai officials were involved in a number of pushback incidents that turned violent. Le Xuan Khoa, president of the Indochina Resource Action Center, cited "nine cases of ill-treatment and killings of more than one hundred Vietnamese boat people, perpetrated in most cases by Thai military personnel."

Included in the documents Khoa submitted for the record is a description of an incident that allegedly took place on June 27, involving the pushback of 61 refugees near Klong Yai on the east coast. According to an account given by a female survivor to a relief worker in Thailand, the group was towed out to sea at nightfall in three "small and old junks." After one boat capsized and broke apart, Thai soldiers allegedly opened fire on the other two, killing all but three boys, who managed to sail one of the boats back to Cambodia.

Under questioning from Rep. Stephen J. Solarz (D-N.Y.), chairman of the subcommittee, the State Department's Deputy Assistant Secretary for East Asian and Pacific Affairs, David F. Lambertson, acknowledged that the U.S. Embassy in Bangkok had investigated and protested the incident. It appeared that the Thai military had been involved "in some measure," Lambertson said. "The Thai government maintains it is preserving first asylum, but the record on the coastline suggests otherwise."

An official at the Thai Embassy in Washington would not comment on the specific allegations. A recent statement from the Thai government reiterated the position that "all boats are now permitted to land if they wish to do so, but if they wish to proceed to other destinations, they are also given assistance to do so."

"Even if this policy were strictly maintained, and it is not," said Court Robinson, a policy analyst with the U.S. Committee for Refugees, "piracy activity in the region and the perils of ocean travel, particularly in the monsoon season, dictate that Thai marine police and local officials should exercise the utmost caution, whatever the intentions of the boat people."

UNHCR statistics for 1988 indicate that 501 people are dead or missing from pirate attacks in the region, a five-fold increase from the previous year. The number of rapes and abductions jumped from 95 in 1987 to 185 in 1988.

Despite the continued interdictions and pushbacks, more than 7,000 boat Vietnamese--and another 2,500 Vietnamese who came over-

land through Cambodia--arrived safely in Thailand in 1988, according to UNHCR. New boat arrivals are not permitted by the Thai government to apply for resettlement in other countries, but instead are detained in Ban Thad camp, adjacent to Site 2 on the Thai-Cambodian border.

The United States and other resettlement countries moved more than 33,000 Indochinese refugees out of Thailand in 1988, the largest number since 1984. Included in this total were 10,295 Vietnamese, 16,379 Laotians, and 7,250 Cambodians. Despite Thailand's "great refugee burden," said Moore, "it is nonetheless difficult to continue to respond positively to Thai requests to keep offtake of refugees at levels of previous years when resettlement of new arrivals is prohibited and when the principle and practice of first asylum is in jeopardy."

Cambodian Refugees Face Khmer Rouge Abuses In the last eight months, up to 17,000 Cambodian refugees living in Thailand under the direct control of the Khmer Rouge have been removed from two camps and relocated to "repatriation villages" straddling the Thai-Cambodian border. Beginning in June, about 8,500 refugees were moved from the southern border camp of Ta Luan, leaving some 2,000 disabled, elderly, and handicapped people behind. Relief officials accused the Khmer Rouge of moving the group into a malaria-infested war zone to serve as munitions porters.

About 2,500 people returned to Ta Luan in November when Vietnamese forces in Cambodia shelled the area around Khao Phlu where they had been relocated. Although casualties were estimated at dozens of deaths and at least 300 wounded, the Khmer Rouge prevented access by the Red Cross.

Khmer Rouge authorities moved up to 9,000 more people out of the northern camp of Otrao between August and November into repatriation sites across the Dangrek mountains. An estimated 4,000 people remain in Otrao, but the Khmer Rouge have cut off access by international relief agencies. On Christmas day, the Khmer Rouge burned down their 10-bed hospital in the camp, reportedly as a gesture of their displeasure with outside interference.

With a fighting force numbering about 40,000, the Khmer Rouge are far the strongest of the three resistance factions fighting the Vietnamese troops in Cambodia and the Vietnamese-backed government in Phnom Penh. Their leadership has tried to offer an image of moderation, to persuade the world that they are not the same regime that was responsible for the deaths of more than one million Cambodians during a genocidal four-year rule from 1975 to 1979.

But a UN report issued in September accused the Khmer Rouge of "outrageous violation of human rights." Even in the showcase camp of Site 8, which houses 35,000 people, there is evidence of torture, murder, and summary executions, according to the UN report. Another 40,000 to 50,000 Cambodians, including many women and children, live in Khmer Rouge military encampments along the so-called "hidden border," totally inaccessible to international relief agencies.

Aid officials who work in the few Khmer Rouge camps that are not off limits say that the same terror tactics exist; they are just more subtle these days. "You won't hear of Khmer Rouge mass murders or even widespread torture like before," one official told a journalist in Bangkok. "But people disappear during the night, often with their whole families, and that's it. You never see them again. Are they killed? Are they just moved to another camp, out of our reach? We don't know."

Although relief officials estimate that up to 80 percent of the Khmer Rouge camp inhabitants are there involuntarily and would leave if they could, escape is difficult and dangerous. At Site B, a camp run by followers of Prince Norodom Sihanouk, officials told the Far Eastern Economic Review that defectors from the Khmer Rouge numbered 229 in the first ten months of 1988, nearly four times the number for the previous year, but a modest figure nonetheless.

"What efforts is the United States making to secure the right for people to leave the Khmer Rouge camps?" asked Solarz. "Embassy officials have visited Site 8 and stepped up visits with the Thai government," Lambertson replied. Discussions have also been held with the UN Border Relief Operation and the International Committee of the Red Cross, Lambertson said, but did not elaborate as to possible strategies or

"IT'S EASY TO BE SUCKED DOWN"

The following is a survivor's account of an alleged pushback incident that took place in the area of Klong Yai on the Thai east coast, as told to a relief worker in Thailand. Minor revisions have been made for the sake of brevity.

On June 27, 1988, at 6:00 p.m., a group of Thai soldiers tell 61 Vietnamese refugees that they are going to be transferred to a larger camp. They are divided into three groups and embarked in three small and old junks. The three junks are tied to each other, one after the other and to the soldiers' boat and towed to sea. The night is dark and moonless...

Thai soldiers start towing them to sea at a quite high speed so that the junks hit each other. After one hour of towing, one junk breaks up and all its people fall into the sea, but the soldiers do not mind and keep going. All the people drown except _____: in the darkness of the night miraculously she comes to catch hold of a plank floating around. She does not know in which direction is the land; she keeps floating all night. The next morning she sees land, but between lies a very dangerous swamp: it's easy to be sucked down. Using the plank as a pathway, she manages to cross the bog in ten hours... and lands at the edge of a forest.

Exhausted, thirsty, hungry, her dress completely torn, she still manages to walk to a nearby pagoda. The monks receive her, help her, and keep her in hiding. They give her a Thai name and keep her till the present day.

The woman has since been transferred safely to Bangkok and as of mid-February is awaiting departure for resettlement. According to another survivor's account, the soldiers towed the remaining two boats farther out to sea, and then opened fire with automatic weapons. Three boys who survived managed to sail one of the boats back to Koh Kong in Cambodian territorial waters.

timing. He did say that the issue "needs to be addressed in the context of a political settlement," suggesting that nothing might happen until Cambodians can begin to return home.

"Should we condition military aid to Thailand" in order to increase the pressure, Solarz asked. Lambertson responded, "I would not be in favor of that."

Security Improves in Some Border Camps Moore praised the "real progress" that the Thai government has made in addressing the serious protection problems that have plagued the Cambodian border camps. The most substantial improvement, observers agree, has been the replacement in August 1988 of Task Force 80, the Thai paramilitary force in charge of border security, with the new Displaced Persons Protection Unit (DPPU).

"In general, we have heard nothing but praise, both from relief workers and the displaced Khmer, for the DPPU's even-handed and sensible approach," Moore said. All DPPU members have had military training, and two of the seven units deployed on the border are made up of women. Each unit includes a "moral support team," which assists with counseling and recreational activities.

Over the years, numerous charges of corruption and brutality had been leveled against Task Force 80 by international relief agencies and human rights groups.

Another improvement planned for the border is the expansion of Site 2, home to more than 170,000 Cambodians. Last November, a senior Thai official announced that Site 2 would be expanded by two square kilometers to relieve the severe overcrowding in the camp.

U.S. Reviews Khao I Dang Cases, Resettlement to End The U.S. Embassy in Thailand is conducting a full review of the cases of the 14,000 Cambodians in Khao I Dang who previously were denied refugee resettlement in the United States, Moore confirmed in his testimony. "Reconsideration would occur on the grounds that new information is available," Moore said. Robert DeVecchi, executive director of the International Rescue Committee, called the review "quite encouraging." He noted that a new Ethnic Affairs Office is in place in Bangkok to assist in

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LEGISLATION INTRODUCED RELATING TO REFUGEES AND ASYLUM SEEKERS

The start of each session of Congress begins with a flurry of new legislation, and the 101st Congress is no exception. Below are selected bills relating to refugees and asylum seekers introduced in the opening days of the new session. A few are bills introduced in past sessions, but not acted upon.

BILLS INTRODUCED IN THE HOUSE

H.R. 28 Fish (R-N.Y.) and Edwards (D-Cal.) January 3, 1989.

Establishes a commission to investigate racially motivated violence.

Action: Referred to the Judiciary Committee.

H.R. 45 Moakley (D-Mass.) and Pepper (D-Fla.) January 3, 1989.

"Central American Studies and Temporary Relief Act." Suspends the deportation of Salvadorans and Nicaraguans pending a report by the General Accounting Office on conditions in those countries. (An identical bill introduced in the last Congress passed the House, as well as the Senate Judiciary Committee, but did not reach the Senate floor, and died on adjournment. A companion bill is expected to be introduced in the Senate.)

Action: Referred to the Judiciary and Rules Committees.

H.R. 811 Pepper (D-Fla.) February 2, 1989.

Requires that the U.S. Coast Guard bring aliens such as Haitians interdicted at sea in U.S. territorial waters to shore for an INS interview, rather than holding the interviews at sea. Said Rep. Pepper in introducing the bill, "This procedure [holding INS interviews of Haitians at sea] gives rise to the suspicion that the would-be immigrants, mostly black, coming in by ship are discriminated against. All persons would have the same opportunity on the land, in the presence of witnesses, if desirable, to make their claims for immunity on the ground that they could not safely return to their homeland."

Action: Referred to Merchant Marine and Fisheries and the Judiciary Committees.

H.R. 852 Dornan (R-Cal.) February 6, 1989.

Increases the number of refugee admissions allocated in FY 1989, by adding 5,000 numbers to the Orderly Departure Program from Vietnam; adding 1,000 numbers for first-asylum refugees from Southeast Asia; and adding 500 numbers for refugees from the Near East and South Asia.

Action: Referred to the Judiciary Committee.

H.R. 869 Ortiz (D-Tex.) February 6, 1989.

Amends Title V of the Refugee Education Assistance Act of 1980 to provide resettlement assistance for Central American "entrants". This bill, and the one below, essentially expand the law that provided special funding related to assisting Cuban-Haitian entrants to include Central Americans now seeking asylum in the U.S. The bill would provide federal assistance to south Texas and other heavily impacted areas. It expands the capacity of the Community

Relations Service, a Division of the Justice Department, to aid areas hardest hit by the influx. Identical legislation was also introduced in the Senate.

Action: Referred to the Education and Labor Committee.

H.R. 870 Ortiz (D-Tex.) February 6, 1989.

Amends Title V of the Refugee Education Assistance Act of 1980 to provide resettlement assistance for certain Salvadorans and Nicaraguans. (See H.R. 869).

Action: Referred to the Education and Labor Committee.

BILLS INTRODUCED IN THE SENATE

S. 358 Kennedy (D-Mass.) and Simpson (R-Wyo.) February 7, 1989.

"Immigration Act of 1989." Increases annual immigration to the United States but also places numerical restrictions on immediate relatives of U.S. citizens by setting off such immigrants against other family-sponsored immigrants.

Establishes separate categories with separate worldwide levels of annual admissions for family-sponsored immigration and for independent immigration.

Establishes immigrant eligibility for job-creating investors: individuals who invest at least $1 million in the United States in an enterprise which creates at least 10 new jobs for Americans.

Makes available 55,000 visas to immigrants who achieve a threshold score on a point system, with points awarded for youth, education, English-language skills, and training and experience in fields suffering from a labor shortage.

Revises the current fifth preference category by eliminating immigration eligibility for married brothers and sisters of U.S. citizens.

Revises the current sixth preference category by eliminating immigration eligibility of skilled and unskilled workers whose occupations are deemed to require less than two-years training or experience.

Revises the current second preference category by eliminating the immigration eligibility of the unmarried sons and daughters of permanent resident aliens if the son or daughter is 26 years old or turns 26 before a visa becomes available.

Establishes an interagency task force to annually assess and report to Congress on the effects of immigration.

Action: Last year's version passed the Senate, but House did not act.

S. 372 Bentsen (D-Tex.) and Graham (D-Fla.) February 7, 1989.

Amends Title V of the Refugee Education Assistance Act of 1980 to provide resettlement assistance for Central American "entrants". Expands the law that provided special funding related to assisting Cuban-Haitian entrants to include Central Americans now entering the U.S. (See H.R. 869, above.)

Action: Referred to the Committee on Education and Labor.

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the review, and "new background material on the situation in the respective areas of Cambodia has been prepared and is being used," suggesting that a reconsideration may also occur through a new interpretation of existing case material.

The review process could be threatened, however, by a recent announcement from the Thai government that resettlement opportunities for Cambodians in Thailand will end on March 1. After that, Khao I Dang will become an educational vocational training center to prepare Cambodians for repatriation. "Persons who wish to be resettled in a third country," the Thai statement said, "must return to their country of origin and immigrate in an orderly fashion."

The U.S. Embassy has asked for a 90-day extension of this deadline in order to complete the Khao I Dang review, according to DeVecchi. "It is not certain what will happen, although at least a 45-day extension seems likely," said DeVecchi.

Thai officials have stated that, some time after March 1, the residents of Khao I Dang will be moved to a new facility on the border near the Ban Thad camp for Vietnamese refugees. Like Ban Thad, the new camp will be administered by UNHCR, but residents will not be allowed to seek refugee resettlement in other countries.

Interviewing of new immigration visa (IV) and humanitarian parole (HP) cases has also been temporarily suspended by the Thai government, State Department officials told Refugee Reports. The HP/IV program for border Cambodians was first announced by then Secretary of State George Shultz in September 1985. Since that time, just over 1,000 Cambodians have been approved for entry to the United States. Although hampered by complicated guidelines and restrictive criteria, but most critically by access problems imposed by Thailand, the program had enjoyed its most successful year of operation in 1988.

Also testifying were the Rev. Donald Larsen, chairman of InterAction's Committee on Migration and Refugees; and Shepard Lowman, president of Refugees International.

MAZZOLI OUT, MORRISON IN, AS CHAIRMAN OF HOUSE REFUGEE SUBCOMMITTEE

Rep. Romano L. Mazzoli (D-Ky.) was ousted on February 2 as chairman of the House Subcommittee on Immigration, Refugees, and International Law by a 16-to-5 vote of Democrats on the Judiciary Committee. Rep. Bruce A. Morrison (D-Conn.) was chosen to succeed him as subcommittee chairman.

Mazzoli had chaired the refugee and immigration subcommittee for the past eight years, and was coauthor, with Sen. Alan K. Simpson (R-Wyo.), of the original legislation upon which the Immigration Reform and Control Act was based. It combined an amnesty program for undocumented aliens with sanctions against employers who hire them.

A Democratic colleague on the subcommittee was quoted anonymously in the Washington Post as saying, "He never held caucuses. He never called anyone back. There was no collegiality, nothing." Rep. Barney Frank (D-Mass.), a member of the subcommittee, said, "Some people felt they had a hard time dealing with him over and above any differences on the issues."

But there were differences on key issues, as well. For example, Mazzoli was the only Democrat on the Judiciary Committee to oppose a bill introduced by Rep. Joe Moakley (D-Mass.) that would offer a temporary stay of deportation for Salvadorans and Nicaraguans. When the Judiciary Committee vote was tallied, June 30, 1987, the bill passed the committee by 20-to-15 votes along party lines, with all of the Republicans voting "no" along with Mazzoli.

More recently, Mazzoli wrote and introduced a generic safe haven bill setting forth the criteria by which the Attorney General could grant temporary safe haven to nationals of countries experiencing armed conflict or other dangerous conditions (see Refugee Reports, Vol. VI. , No. 11 and Vol. IX, No. 10). The bill passed the House of Representatives on October 5, 1988. In introducing the bill, Mazzoli criticized granting of extended voluntary departure (EVD)--the legal term for the Attorney General's discretionary power to grant stays of deportation--on an ad hoc basis. Mazzoli said that EVD "has only the shakiest of legislative foundations, and indeed is outside the scope of current law."

Moakley's safe haven bill for Salvadorans and Nicaraguans has been reintroduced in this session of Congress as H.R. 45, but Mazzoli's generic safe haven bill has not yet been reintroduced.

Morrison, who has served in the House since 1983, said, "I am delighted and honored with the trust my colleagues have placed in me." He added, "Immigration issues, from the implementation of the Immigration Reform Act of 1986, to the looming issues of legal immigration and reform of the quota system, have been prime concerns of mine in Congress."

Update

° On February 14, the presidents of five Central American countries agreed to a plan to disarm the contra rebels, dismantle their bases in Honduras, and repatriate them voluntarily to Nicaragua. The agreement calls upon the foreign ministers of Nicaragua, El Salvador, Costa Rica, Honduras, and Guatemala to draw up a plan to end the presence of some 11,000 contra fighters inside Honduras's southern border with Nicaragua.

In exchange for the demobilization of the contras, Nicaragua pledged to release an estimated 3,000 political prisoners, allow opposition groups equal access to the media, and to reform electoral laws for balanced political participation in the 1990 elections.

On February 17, the Washington Post reported a contra leader, Oscar Sobalvarro, as saying that the contras would not disarm as long as the Sandinistas are in power in Nicaragua.

▫ On January 9, an outbreak of fighting occurred between the Honduran army and Salvadoran guerrillas in the vicinity of the Salvadoran refugee camps. Casualty figures were not reported.

"The guerrillas illegally entered our country and were intercepted while trying to get to refugee camps, where they rest," a Honduran military sopkesman told Excelsior, a Mexican newspaper. This was the second incident of 1989 involving Honduran troops and Salvadoran guerrillas. The Salvadoran air force has also reportedly bombed Honduran villages, according to Excelsior. The paper reported that "the accumulating tension of these incidents affects the 13,000 Salvadorans in the refugee camps of Colomoncagua, Mesa Grande, and San Antonio, who live in a virtual state of siege because of the presence of Honduran security forces who are slowly controlling the camps' activities."

• On February 24, U.S. Navy Captain Alexander Balian was found guilty by a military jury for failing to help a boatload of Vietnamese refugees on June 9 in the South China Sea. The jury found that the captain of the USS Dubuque had failed to conduct an adequate inspection of the seaworthiness of the refugee boat and to provide necessary navigational equipment, food, and clothing, according to the Washington Post. Subsequent to its encounter with the USS Dubuque, 31 of the Vietnamese on the vessel died. Survivors reported resorting to cannibalism to survive.

• Vietnamese boat people who were attacked by pirates during their escapes display a striking lack of survivor guilt in response to their traumatic experiences, Dr. Stuart B. Kleinman reported at the annual meeting of the American Academy of Psychiatry and Law.

The findings, reported in the January 1989 issue of Clinical Psychiatry News, came as a surprise, since the victims had experienced rape, murder, beatings, and robbery at the hands of pirate gangs. Kleinman suggested that the reason for the absence of survivor guilt could stem from the emphasis on the family rather than the individual. "If one family member survives," he said, "it's as if the entire family has survived, and it is perceived as a victory for the family."

Some of the subjects in the study reported that they were able to cope with the trauma of escape because of prior experiences in mastering trauma, in some cases as re-education camp prisoners.

▫ Lawyers representing a group of about 1,000 Haitians in New York reached an agreement with the Immigration and Naturalization Service (INS), January 30, to settle a class action suit filed last September. The Haitians, whose claims for legal status under the new immigration law had been wrongfully delayed or denied because of alleged fraud, cannot now be deported and will receive work authorization, pending a redetermination of their denials.

STATE DEPARTMENT REPORTS ON HUMAN RIGHTS PRACTICES

The U.S. State Department released its Country Reports on Human Rights Practices for 1988 in February. The 1,560-page report represents the U.S. government analysis of human rights practices throughout the world. A portion of each country report concerns freedom of movement within the country and attitudes toward displaced persons and refugees. Below are excerpts from selected sections. All material is quoted directly.

Copies of the report may be purchased for $33.00 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325. Refer to stock number 052-070-06535-4.

CUBA Cuban authorities strictly control emigration, but permitted several thousand persons, including hundreds of former political prisoners, to leave the island in 1988. Draft-age males were generally not allowed to leave the country. During 1988, the government continued to deny exit permission without explanation to a few persons who had been accepted into immigration and refugee programs of other countries.

It is a crime to leave the country without authorization. Persons who attempt to flee on small boats or inner tubes face sanctions ranging from fines to 3 years imprisonment. Cuban officials in 1988 claimed there were 140 prisoners convicted of "illegal" departure attempts. Intending legal emigrants frequently suffer various forms of government discrimination. Persons who apply may lose their jobs, houses, and ration books. Some are asked to repay the government the cost of their higher education. Once emigration formalities are completed, all family possessions and property usually fall to the state.

Cubans traveling as emigrants or refugees to other countries have no right to return for a visit or repatriation. The government continues to restrict the number of persons of Cuban origin permitted to visit their families on the island. In October, the government announced that Cubans who emigrated after 1978, including those who fled on the Mariel boatlift, would be allowed to visit relatives in Cuba on a limited basis (initially 10 persons per week). In the past, Mariel refugees were routinely denied Cuban entry permits.

EL SALVADOR An estimated 155,000 persons are still displaced within El Salvador by the conflict, down from a peak of about 525,000 in 1985. Approximately 130,000 of them still receive government assistance, and another 25,000 who are not registered with the government receive assistance from private relief organizations such as World Relief and the International Rescue Committee. Another 168,000 Salvadorans are refugees in other Central American countries and in Mexico, and more than 500,000 are estimated to be illegal immigrants in the United States.

As the level of violence falls, an increasing number of refugees are returning from abroad. More than 6,800 refugees returned from other Central American countries between 1984 and August 1986, according to the UN High Commissioner for Refugeees (UNHCR). Since then, another 2,100 chose to leave the Mesa Grande refugee camp in Honduras, where some had been living since the beginning of the war, to return to their homes in El Salvador.

There is no evidence of a government policy of harassment of individuals returning to El Salvador from abroad. The Intergovernmental Committee for Migration interviewed some 12,028 returnees from the United States between December 1984 and December 1987 and found no evidence of a policy of harassment. There have been no reports of comparable studies regarding returnees coming from other areas.

GUATEMALA Guatemala generated thousands of refugees and displaced persons in the early 1980s. Refugees are now repatriating as security and living conditions improve in areas of conflict. The number of returnees has increased each year since the inauguration of the civilian government, reaching about 3,000 in 1988 three times the number that returned in 1987. Nearly 4,500 persons returned to areas under government control in 1988. Although those who return from refuge in or outside the country or from service with the guerrillas may find that their land is now being farmed by others, the government guarantees that

returning refugees will receive either their own land or land in newly settled areas. This has not always proven to be possible in practice, and a few repatriated refugees have sought to return to their countries of asylum.

HAITI Economic migrants continue to leave Haiti bound for destinations in more prosperous areas of the Caribbean or the United States. Pursuant to a 1981 agreement with the government of Haiti on the interdiction of undocumented migrants, approximately 5,000 would-be illegal migrants to the United States were repatriated to Haiti from international waters by the U.S. Coast Guard.

CAMBODIA Permission from the authorities is required to travel abroad, and it is rarely granted except for those on official government business. Other Khmer seeking to leave the country flee to the Thai border in order to escape the conflict or in the hope they can enter UN-supported refugee camps in Thailand. The Heng Samrin regime routinely imprisons those returning from border encampments affiliated with the CGDK. The Heng Samrin regime has agreed in principle to accept returning displaced persons from camps in Thailand, but has taken only one elderly woman so far because it has put off reaching an agreement with the UN High Commissioner for Refugees on the mechanics of repatriation.

THAILAND Over the years, Thailand has provided first asylum to over 1 million persons fleeing persecution in the three Indochinese states. In 1988, however, Thailand severely curtailed the availability of first asylum. Thai authorities began interdicting and redirecting Vietnamese boats trying to reach Thai shores, and on several occasions have forcibly returned to Laos Lao nationals who have crossed the border. While it appears that the authorities endeavor not to put asylum seekers at risk in carrying out these actions, on several occasions deaths and injuries have resulted from them. In addition, access to the Lao refugee screening system has been restricted, resulting in another weakening of the practice of first asylum. On the positive side, Thailand made significant progress in 1988 in reducing incidents of abuse by Thai paramilitary personnel of Cambodian displaced persons housed in camps along the Thai-Cambodian border.

VIETNAM Approval is required for all foreign travel.... In early 1988, however, the government announced that it would authorize private travel abroad for education, tourism, medical treatment, and visits to close relatives. The travel would be restricted to 3 months...and violators would be barred from further travel for 3 to 5 years.

In previous years the Vietnamese had reduced the number of departures of Vietnamese refugees to the United States and other receiving countries. After extended negotiations, the Vietnamese allowed renewed interviews of qualified refugees and immigrants by U.S. government officers in September 1987. This resulted in 1988 in a program whereby a number of Amerasians and of those seeking family reunification emigrated to the United States. In bilateral talks in July 1988, the United States and Vietnam reached agreement in principle on the resettlement to the United States of former reeducation center detainees. Subsequently, the Vietnamese unilaterally suspended talks on the implementation of this program.

UNION OF SOVIET SOCIALIST REPUBLICS The right to emigrate is restricted, as Soviet law does not recognize the right of citizens to emigrate by choice.... The Soviet system continues to restrict emigration... to those citizens desiring family reunification with immediate relatives abroad, and even those with immediate relatives abroad are not always permitted to emigrate. In 1987 this restriction was codified, although substantial numbers of Jews, Germans, Pentecostals, and Armenians emigrated in 1988 without regard to this requirement. A number of former political prisoners were given the option of emigrating in 1988, although they had no claim to family reunification. In September Soviet officials told U.S. officials that elimination of the first-degree relative requirement was being considered as part of proposed new legislation on emigration.

Meetings and Conferences

° "Genocide Watch," co-sponsored by the Institute for the Study of Genocide, Cultural Survival, the U.S. Committee for Refugees, and the World Council of Indigenous Peoples, will be held at the John Jay College of Criminal Justice on May 22-23, 1989. It is located at 899 10th Ave., New York, NY 10019. For registration material, or more information, call 914-255-7546 or 212-237-8631.

Resources

A NEW HANDBOOK FOR THE SECOND STAGE OF LEGALIZATION--AND BEYOND

ESL/Civics: Planning and Implementing English and Civics Programs is a new handbook published by the American Council for Nationalities Service and the National Council of La Raza. It is designed to help educational institutions and community-based organizations develop programs to help aliens handle the second stage of legalization.

More than 1.7 million immigrants applied for legalization under the Immigration Reform and Control Act in 1987 and 1988. By 1991, they must all apply for permanent residence. At the time of their interview, they are required either to pass a test in English and U.S. government or show that they are "satisfactorily pursuing" a course of study toward that end. Most of these applicants will need to enroll in classes to fulfill these requirements.

This comprehensive guide is for first-time ESL/civics programs, as well as existing programs that seek to expand their services to serve the newly legalized. It includes information on outreach, second-stage requirements, funding sources, intake, curriculum, and course material.

The handbook is available through the American Council for Nationalities Service for $12.50 per copy. Send check to ACNS, Attention: ESL/Civics, 95 Madison Avenue, 3rd Floor, New York, N.Y. 10016. (212) 532-5858.

POLITICAL PAWNS DESCRIBES THE DEPRIVATION OF LIFE AT THE THAI-CAMBODIAN BORDER

Political Pawns: Refugees on the Thai-Kampuchean Border, by Josephine Reynell, examines the camps at the Thai-border with Cambodia from the perspective of the people living within them. Set in a political/historical context, Reynell pays particular attention to camp security, living conditions, and the camp economy. While the aid program that provides emergency supplies to the camps is efficient, the author questions the acceptability of maintaining this large population on emergency rations in closed camps over a long period of time. Reynell considers the future of a population that is not only economically poor and in an extremely marginal environment, but is also deprived at the social, educational, and cultural level. Nearly a third of the population is under five-years old.

The book is published by the Refugee Studies Program at Oxford University, Oxford, England. A limited number of copies will be available for purchase in the United States through the courtesy of the U.S. Committee for Refugees. Send check for $14.00, made payable to the Refugee Studies Program, to: The U.S. Committee for Refugees, 1025 Vermont Avenue, NW, Suite 920, Washington, DC 20005. (202) 347-3507.

DIRECTORY OF AGENCIES ASSISTING ALIENS AVAILABLE

The National Center for Immigrants' Rights has just produced the fourth edition of its "Directory of Nonprofit Agencies that Assist Persons in Immigration Matters." It includes organizations that represent aliens in deportation or exclusion proceedings; provide assistance with visa processing; and that give other assistance, such as extensive advice or referrals.

The directory is designed to help attorneys, government agencies, or nonprofit organizations that come in contact with aliens needing referrals for assistance. Single copies are available for $5.00 from the National Center for Immigrants' Rights, 1636 West Eighth Street, Suite 215, Los Angeles, California 90017. (213) 487-2531.

U.S. REFUGEE PROGRAMS: FY 1990 BUDGET REQUEST

(dollars in thousands)

MIGRATION AND REFUGEE ASSISTANCE

	1988 Enacted	1989 Enacted	1990 Request
REFUGEE ADMISSIONS	$119,548	$140,000	$156,500*
REFUGEE ASSISTANCE			
East Asia	26,700	26,000	25,500
Africa	56,800	54,530	58,200
Near East	80,300	81,800	80,300
Western Hemisphere	12,400	11,020	11,200
Subtotal	176,200	173,350	175,200
OTHER ACTIVITIES			
Refugees to Israel	25,000	28,000	20,000
Other Intl. Organizations	9,702	12,600	10,300
Subtotal	34,702	40,600	30,300
ADMINISTRATION	8,000	8,000	8,000
TOTAL	$338,450	$361,950	$370,000

* Within the proposed admissions budget, the level of the reception and placement grant is being increased from $525 per capita to $560, restoring the cut made in FY89.

EMERGENCY REFUGEE AND MIGRATION ASSISTANCE

FY 88	FY 89	FY 90
24,000	50,000	10,000

The current balance in the ERMA fund is about $53 million, of which $23 million is earmarked to assist Afghan refugees this year.

REFUGEE AND ENTRANT ASSISTANCE

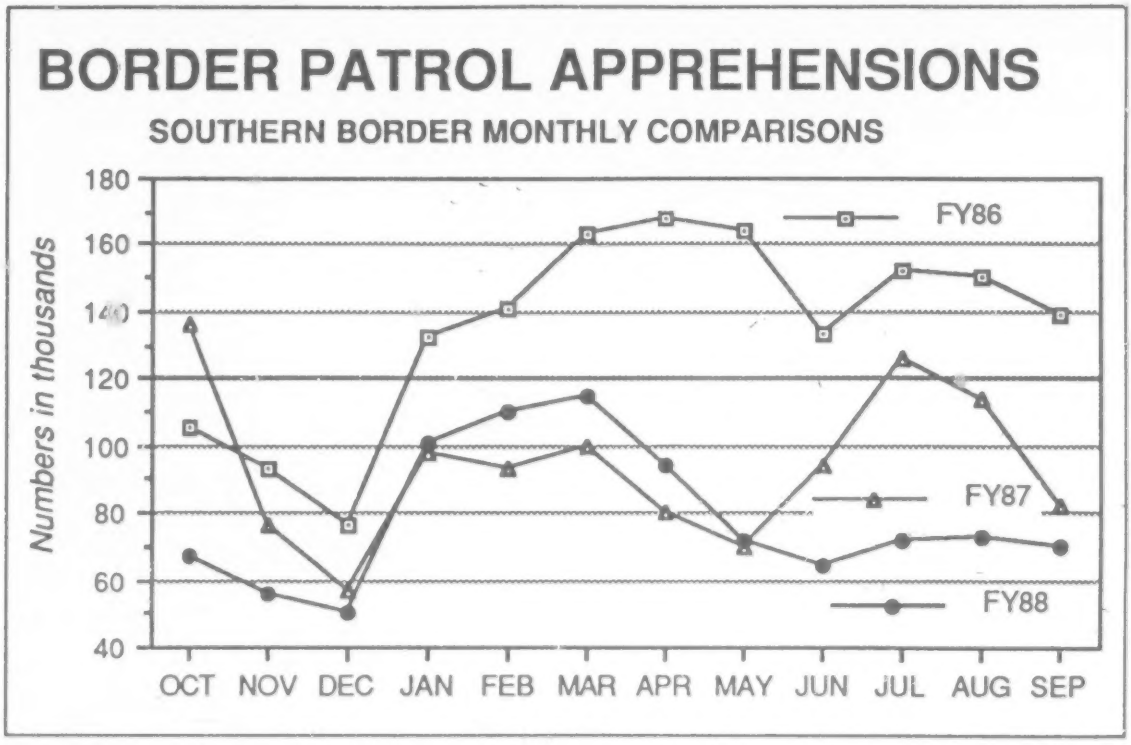
	1988 Actual	1989 Enacted	1990 Request
STATE-ADMINISTERED PROGRAMS			
Cash/Medical Assistance	233,274	261,820	201,659
State Administration			
EMPLOYMENT SERVICES (formerly "Social Services")	65,694	64,906	30,000
PREVENTIVE HEALTH	5,840	5,770	3,000
VOLUNTARY AGENCY (MATCHING GRANTS)	7,659	15,770	3,000
TARGETED ASSISTANCE	34,466	34,052	-0-
TOTAL	346,933	382,356	242,318

REFUGEE ADMISSION LEVELS The proposed budget for admissions is based on the following geographic projections:

GEOGRAPHIC REGION	FY 1988 Actual	FY 1989 Allocations	FY 1990 Estimate
East Asia, 1st Asylum	28,313	27,000	25,000
East Asia, ODP	6,702	7,500	11,500
Eastern Europe/USSR	28,239	25,500	22,500
Near East/South Asia	8,415	6,500	6,500
Western Hemisphere	2,497	2,500	3,500
Africa	1,588	2,000	2,000
TOTAL REFUGEES	75,754	72,000	71,000
Amerasians	332	12,000	13,000
TOTAL	76,086	84,000*	84,000

* Fully funded, following reallocation of 3,000 numbers from ODP to EE/USSR. The Presidential Determination ceiling includes an additional 4,000 numbers, unallocated by region, as an unfunded contingency, and up to an additional 6,000 refugee admissions which will be partially funded by the private sector and the Department of Health and Human Services.

Source: U.S. Department of State, Bureau for Refugee Programs and U.S. Department of Health and Human Services, Office of Refugee Resettlement.



Source: Immigration and Naturalization Service/U.S. Department of Justice

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